



PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q59305

Yasuharu AOKI, et al.

Appln. No.: 09/588,344

Group Art Unit: 2143

Confirmation No.: 8131

Examiner: Phuoc H. NGUYEN

Filed: June 7, 2000

For: METHOD OF PERFORMING A PROCESS AND CLIENT SERVER SYSTEM

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated March 25, 2005. Entry of this Reply Brief is respectfully requested.

Table of Contents

STATUS OF CLAIMS	2
GROUND OF REJECTION TO BE REVIEWED ON APPEAL	3
ARGUMENT	4
CONCLUSION	8

STATUS OF CLAIMS

The status of the claims remains unchanged as set forth in the Substitute Appeal Brief filed December 15, 2004.

Claims 1-35 are pending in the application. Claims 34 and 35 were allowed. Claims 4, 9, 25-27 and 29-32 have been objected to but would be allowed if rewritten in independent form.

The rejection of claims 1-3, 5-8, 10-24, 28 and 33 are being appealed.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-3, 5-8, 10-22, 24, 28 and 33 are rejected under 35 U.S.C. § 102(e) as being anticipated by Jebens et al. (USP 6,321,231; hereinafter "Jebens").

Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jebens in view of Aldus Corporation, "OPI Open Prepress Interface Specification," 22 September 1993, pages 5-15 (hereinafter "Aldus").

ARGUMENT

Appellant now responds to the new points raised by the Examiner in his Answer.

Group 1: Argument 1: The Examiner improperly cites the same element in the prior art for teaching different structural limitations of the claims

In the Substitute Appeal Brief filed December 15, 2004, Appellants argued that the Examiner improperly cites the same element in the prior art for teaching different structural limitations of the claims.

In response, the Examiner states that the digital image file teaches the claimed command file because the digital image file must include an instruction/direction/command which passively instructs the hot-folding software to decompress the digital image file properly by selecting one of the several predetermined compression settings.

Further, the Examiner states that the compressed digital image data file was cited for teaching the low resolution image data.

However, the digital image file does not inherently teach the claimed command file as discussed below in Group 1: Argument 2.

With regard to the Examiner's inconsistent examination of the image data file, Appellant submits the following. Claim 3, for example, recites "creating low resolution image data for editing from high resolution image data." Appellant submits that assuming the compressed digital image file was cited for teaching low resolution image data, it appears that the digital image file is being cited for teaching both the high resolution image data and the command file. Therefore, the Examiner's reasoning still results in the same element being cited for teaching separate structural limitations.

For at least these reasons, as well as those set forth in the Appeal Brief, the Examiner's rejection of either 1 and 6 or 3 and 8 must fall.

Group 1: Argument 2: Jebens does not disclose a command file which instructs execution of a designated process

In response to Appellants' arguments that Jebens does not disclose a command file, the Examiner asserts that the digital image file/document must have an instruction/direction/command file. On the contrary, an autolog server 34 invokes an appropriate compression algorithm according to a user defined type of compression to be performed on the image data. See Jebens col. 10, lines 19-35. The digital image data does not *instruct* execution of the compression since the compression is determined by a user. In particular, the digital image data is not a source of instruction for performing compression.

The autolog server performs the appropriate compression and can contain a library of industry standard algorithms which can be invoked to perform the required compression type and level on the existing data. Therefore, the *autolog server* invokes compression of an image data file. Further, the type of compression performed on the image data file is *defined by a user*. The image data file itself, does not either prompt execution of compression generally or prompt compression of a particular type specifically. Rather, the autolog server invokes compression and a user dictates the form. Therefore, contrary to the Examiner's contention, the image data file does not require an instruction or command file for its operation.

For at least these reasons, and those set forth in the Appeal Brief, claims 1, 6, 11 and 16 are not anticipated by Jebens.

**Group 2: Jebens does not disclose a command file which commands execution
 of a designated process which is performed in an OPI system**

In response to Appellants' arguments that Jebens does not disclose an OPI system and that a command file commands execution of a designated process in an OPI system, the Examiner asserts that Fig. 4C, col. 10, lines 57-68 of Jebens, discloses the process of creating an OPI file for the image file and that the creating of an OPI file by the autolog server is considered an OPI system.

In Fig. 4C, the autolog server determines whether a special low resolution format file such as an OPI file should be created from the original image file. A user can specify that all the files are to include an OPI version, that OPI version should be forwarded with an original file, or that no OPI files are desired. See col. 10, line 57- col. 11, line 1.

Further, there is no indication that the command file (digital image file) commands execution of a designated process in the OPI system. The autolog server 34 determines whether an OPI file should be created. There is no indication that the digital image file commands the creation of an OPI file.

For at least these reasons, and those set forth in the Appeal Brief, claims 3, 8, 13 and 18 are not anticipated by Jebens.

**Group 4: Jebens does not disclose a command file which comprises
 authentication information comprising a request to manage
 prescribed folders**

Claim 22 describes that the command file comprises authentication information comprising a request to manage the prescribed folders. As previously indicated, the command file of Jebens cited by the Examiner, is merely an image data document. Although the system

requests authentication information from a user before a user can log on to the system, the image data itself does not comprise authentication information. There is no indication that a user's prefix code is stored in the digital image data. Therefore, claim 22 should be deemed patentable.

Group 5: Jebens does not disclose low resolution image data comprising a file name, data location path, folder ID and format information

In response to Appellents' arguments that Jebens does not disclose the elements of claim 24, the Examiner further cites Jebens col. 20, lines 55-58 in support.

The respective column and lines cited by the Examiner describe that:

Upon selecting the "Search Database" option, a search request screen 778 will be displayed. As shown in FIG. 10C, the search request screen 778 provides the user with an opportunity to define parameters for a search. In the preferred embodiment, those parameters include: the filename of a desired file, if known; an image ID of a particular stored image, if known; the class, subclass, and/or category of the type of data desired; the date on which the file was saved; and the type of file. The user must fill in at least one of these parameters to initiate a search.

There is no indication that the low resolution image data comprises a file name of the corresponding high resolution image data, a data location path of the high resolution image data, a folder ID of the prescribed folder in which the high resolution image is stored, and a format information of the high resolution image data, as recited in claim 24. Therefore, claim 24 should be deemed patentable.

Based on the forgoing, appealed claims 1-3, 5-8, 10-22 and 24, 28 and 33 are not anticipated by Jebens, and appealed claim 23 is not made obvious by the combination of Jebens and Aldus.

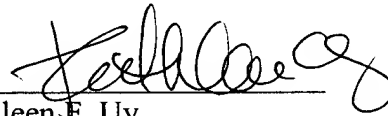
REPLY BRIEF UNDER 37 C.F.R. § 41.41
U.S. Appln. No.: 09/588,344

Attorney Docket No. Q59305

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,



Ruthleen E. Uy
Registration No. 51,361

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 25, 2005